
To: Convertabath, Inc. (thefirm@azbuslaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77443743 -
CONVERTABATH - 012198
Sent: 8/11/2009 7:37:21 AM
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UNITED STATES PATENT AND TRADEMARK OFFICE**SERIAL NO:** 77/443743**MARK:** CONVERTABATH**CORRESPONDENT ADDRESS:**

Donald W. Hudspeth
Law Offices of Donald W. Hudspeth,

P.C.

#604
3030 N. Central Ave.
Phoenix AZ 85012

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Convertabath, Inc.**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

012198

CORRESPONDENT E-MAIL ADDRESS:

thefirm@azbuslaw.com

REQUEST FOR RECONSIDERATION DENIED**ISSUE/MAILING DATE: 8/11/2009**

Applicant is requesting reconsideration of a final refusal issued/mailed February 12, 2009.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was issued/mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

The applicant argues, first, that the marks are completely different, and that the examining attorney improperly has dissected them by focusing on the common element. The common element, however, appears first. When a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods and/or services. Therefore, the word portion is normally accorded greater weight in determining likelihood of confusion. *In re Dakin's Miniatures, Inc.*, 59 USPQ2d 1593, 1596 (TTAB 1999); *In re Appetito Provisions Co.*, 3 USPQ2d 1553, 1554 (TTAB 1987); *Amoco Oil Co. v. Amerco, Inc.*, 192 USPQ 729, 735 (TTAB 1976); TMEP §1207.01(c)(ii).

The applicant further argues that the parties' goods and services are too different for a likelihood of confusion to result. The applicant argues that converting bath tubs into whirlpools is completely different from converting bath tubs into showers. The evidence does not bear this out. Attached to this office action are examples of companies that provide goods and services for both bath tubs and showers, as well as remodeling services.

The applicant's request for reconsideration is *denied*.

/Doritt Carroll/
Trademark Examining Attorney
Law Office 116
Phone: (571) 272-9138
Fax: (571) 273-9138
www.uspto.gov/teas/index.html

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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These search terms are highlighted: **convert bath whirlpool**

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PDA

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jhferry

01-24-06, 10:26 AM

In the house I am looking to purchase the master bath has one standup shower and a shower/bath in the same room. My wife would like one of those jotted tubs in place of the shower and bath. If I ran the electric, could this be done?

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Doug Aleshire

01-24-06, 10:44 AM

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Doug Aleshire

jhferry,

It can be done. I assume you are keeping the shower?

Issues to be made aware of;

You'll need another or larger water heater unless you acquire a OPTIONAL HEATER with your whirlpool. They use allot of water!

Puchasing the right one whereby you have access to the pump upon final location.

Ensuring that you have the room for one that will be comfortable - these do come in many sizes and depth/length.

Ensuring that your floor joist system can handle the weight - in older homes, this can be an issue depending on the level it is to be placed.

Hope this helps!

jhferry

Doug, this would just be a sitting tub. No shower. It wouldnt be like a jacuzzi, just a one person sitting tub with Jets. I hope I dont need another heater for that!

01-24-06, 11:00 AM

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Doug Aleshire

jhferry,

Depends on what size and brand. 1 person tubs can be large or similar to a standard tub.

When you say jetted, we are talking about water cooling down fast. Even bubblers will cool the water down.

Hope this helps!

01-24-06, 11:04 AM

jhferry

I never thought of that, I would have to keep refilling the tub. Hmmm.

01-24-06, 02:15 PM

Doug Aleshire

jhferry,

Just thought I'd let you know. Unless your in there to just take a bath, you can get in and jump out! Usually everyone runs some hot water to warms things up.

Now we're talking about something that will relax you and you know that you are going to stay in there longer than usual. That's what you get these things for and you might as well enjoy it!

Happy Shopping!

01-24-06, 02:30 PM

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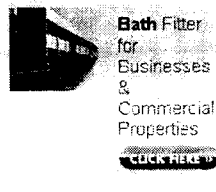
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Bath Pricing Guidelines

Most all the **bath** jobs I do consists of ripping everything out and replacing everything new. I replace any wall tile with cultured marble and install 14" x 14" ceramic tile on the floor. I replace the faucets, toilet, vanity, vanity top, medicine cabinet & light.

For the tub replacement I use a American Standard Americast tub. I have tried all the faucets and have had problems with all of them except Moen. When a **shower** is installed it will be a cultured marble base with cultured marble **shower** walls.

I have tried all brands of toilets. They don't flush right or have a small water spot in the bowl. I have found that the Kohler Wellworth toilets are by far the best. They flush well and have a larger water spot in the bowl.

If you have a tub it can be changed to a **shower**. I do a lot of these for people who are finding it harder to get in & out of the tub. Most all of my showers include clear by-pass **shower** doors, a corner seat, corner soap & shampoo holder. (see below)

Please keep in mind that the items listed below are just a guideline. I will have to give a (free) estimate for each **bath remodel** job. The prices do not include any painting or wallpaper. I will install towel bars & paper hangers supplied by the customer.

[Click on the pictures for a larger view.](#)



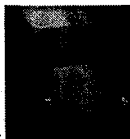
Corner Seat & Clear Sliding Doors



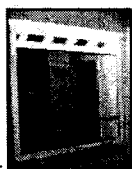
Moen Faucet "Kingsley"



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Kohler Wellworth Toilet



Medicine Cabinet



Vanity (24" to 60")

Bath accessories can be mounted on marble. I charge \$25 for each mount.



Sometime it is necessary to do ceiling repairs for different reasons.



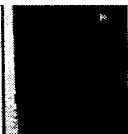
New slick ceiling with crown molding

For the total **bath remodel** or a complete new **bath** [CLICK HERE](#)

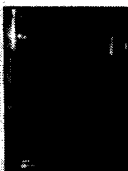
Bath Remodel #1 -- A **bath** which has a fiberglass tub & **shower** unit and Replaced with a cultured marble **shower** or tub & cultured marble tub walls with new faucets & doors. Average cost \$4000 to \$4500



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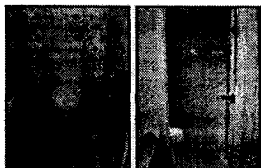


This is a after picture of this **bath** with a tub and cultured marble walls



Shower

Bath Remodel #2 -- A **bath** which has a only a tub or **shower** and a toilet in the room. Replacement of the **shower** or tub (see #1). Replacement of the toilet & floor tile installed. Average cost \$5500 to \$6000.



Bath Remodel #3 -- A **bath** with a fiberglass tub unit and tile on the floor only. Replacement of tub & cultured marble tub walls or cultured marble **shower**, floor tile, faucets, toilet, vanity, vanity top. Average cost \$6000 to \$6500



before
top was)



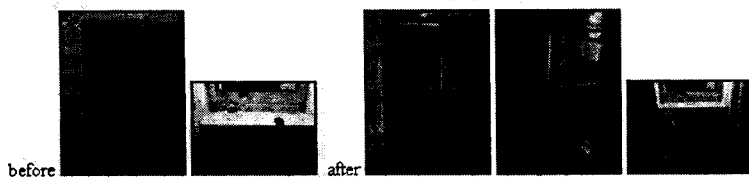
after



(The vanity was not replaced in this bath, but the

Bath Remodel #4 -- A **bath** with no tile except on the floor & tub walls. Replacement of tub & cultured marble tub walls or cultured marble **shower**, floor tile, faucets, toilet, vanity, & vanity top. Average cost \$6500 to \$7000

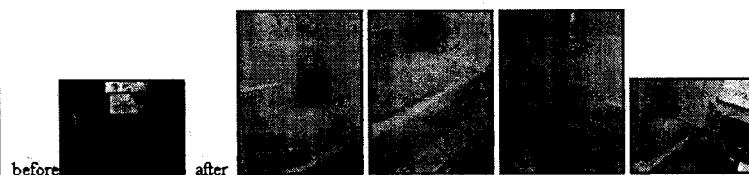
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Bath Remodel #5 -- Same as #4 with tile on all the walls half way up, replaced with cultured marble. Average cost \$7500 to \$8000

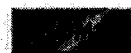


Bath Remodel #6 -- Replacement of floor tile, faucets, toilet, vanity, & vanity top. Installing a cultured marble whirlpool tub & tub walls. Average cost \$7000 to \$8000



Other Bath Pictures

Job Contract Terms



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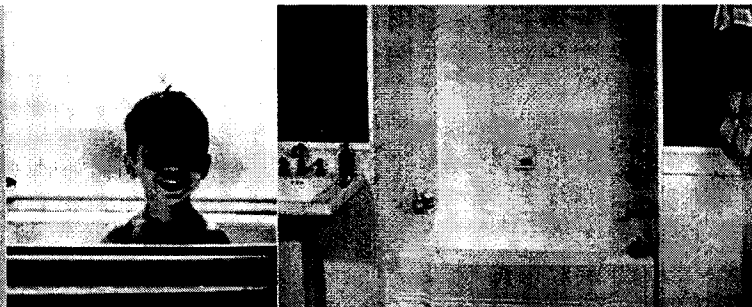
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Fix My Bathroom

At Re-Bath, we are the bathroom remodeling experts. You can trust us to help you fix serious bathroom problems or simply update your bathroom with a fresh look. Does your bathtub have mold and mildew you can't get rid of with cleaning alone? Is your bathroom tile cracking or are there chips in your bathtub? Is your grout dirty and unsightly? Does your bathtub have stains and rust you just can't get out? For all of these problems and many more, Re-Bath has the solution. We can make your bathroom new again with our collection of custom bathtub and shower base liners, wall surrounds, safety tubs and much more. We also offer tub-to-shower conversions, fiberglass removal and seated shower bases. So, whether you want to update your bathroom so it's more pleasing to the eye or remodel it so it's safer for a loved one, Re-Bath has the services you need to quickly and affordably fix your bathroom.

Problem	Cause	Solution	See
 Water leakage or broken tile grout lines		Remodel with Re-Bath	Re-Bath Solutions
 Mold and Mildew			
 Old, worn out		Remodel	Re-Bath

	bathub and ceramic tile walls	with Re-Bath	Solutions
	Rust caused by a worn out bathtub surface and fixtures	Remodel with Re-Bath	Re-Bath Solutions

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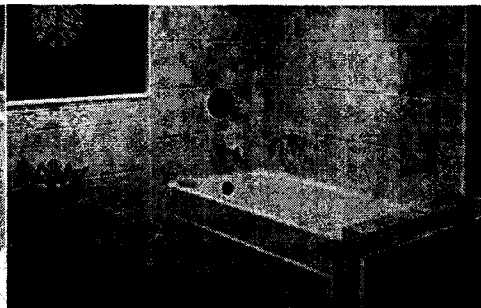
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Update My Bathroom

As life changes over the years, you might find your once-perfect bathroom in need of an update. Whatever bathroom remodeling you would like to see happen, do it the convenient and affordable way by working with Re-Bath and our expert installation technicians. Our bathroom remodeling specialists work with you to review and measure your bathroom, then design the remodel that works for you. And most jobs only take one day, giving you the time to enjoy your updated bathroom all that much quicker. At Re-Bath, we can convert your bathtub to a shower, update your bathroom with our long-lasting DuraBath™ product or change the colors of your bathroom when you pick from Re-Bath's large selection of wall and bathtub color options. If you're saying to yourself "I need to update my bathroom," contact us to learn more about your affordable bathroom remodeling options with Re-Bath.

Problem	Solution	See More
I need to convert my Bathtub to a Shower	Let Re-Bath replace your bathtub with a new Shower Base	Tub to Shower Conversions

Bathtubs &

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Tile Patterns



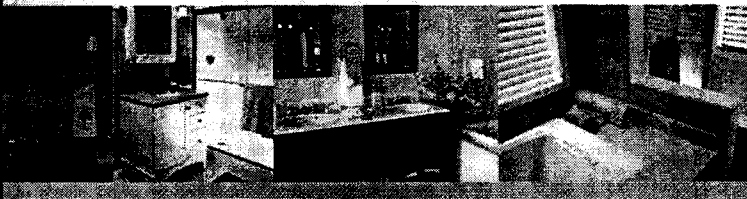
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CONVERTABATH - 012198
Sent: 8/11/2009 7:37:26 AM
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Your trademark application (Serial No. 77443743) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 8/11/2009 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

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2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

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